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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		060258/0284103	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number	Filed	
	10/014,804	December 14, 2001	
	First Named Inventor	Mika Salmivalli	
	Art Unit	Examiner	
	2135		
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 41844</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

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March 31, 2006

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Attorney Docket: 060258-0284103
Client Reference: 2980417US/Kar



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
SALMIVALLI
Application No.: 10/014,804

Confirmation Number: 1649

Group Art Unit: 2135

Filed: December 14, 2001

Examiner: Truong, Thanhnga, B.

Title: DETECTING COPIED IDENTITY OF THERMAL EQUIPMENT

ATTACHMENT SHEETS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant hereby requests that a panel of examiners formally review the legal and factual basis of the rejection in the above-identified application prior to the filing of an appeal brief. Appellant asserts that the outstanding rejection (now on appeal by virtue of the concurrently filed Notice of Appeal) is clearly improper based upon errors in facts.

APPEALED REJECTION

The Office Action rejected claims 1-8 and 101-11 under 35 U.S.C. 103(a) based on Kortessalmi (US 6,427,073).

ARGUMENTS FOR TRAVERSAL

Appellant traverses the rejection because the Office has failed to establish a prima facie case of obviousness because Kortessalmi fails to disclose, teach or suggest the claimed subject matter. For example, Kortessalmi fails to disclose, teach or suggest the claimed method or means for checking whether there is a record in the database, which contains a mobile equipment identity corresponding to the mobile equipment identity transmitted by the mobile station, and, if there is a record in the database, checking whether the record includes a mobile subscriber identity corresponding to the mobile subscriber identify transmitted by the mobile station, and, if there is no record in the database, producing at least a signal indicating that the mobile equipment identity is possibly a copied one," as recited in independent claims 1 and 7 and 10.

Further, Kortesalmi fails to disclose, teach or suggest the claimed element of a mobile network, which includes any database, containing records that each contain an international mobile equipment identity associated with a mobile station and at least one international mobile subscriber identity, as recited in independent claim 9.

Kortesalmi is directed to an invention for preventing misuse of a copied subscriber identity (i.e., IMSI), rather than detecting a copied international mobile equipment identity (i.e., IMEI). Thus, Kortesalmi merely discloses sending the IMSI to the HLR, receiving a list of IMEI codes according to the IMSI, and accepting the location update of the MS if IIV (IMIS-IMEI verification) is not in use. Kortesalmi also checks if $IMEI_{MS} = IMEI_{HLR}$ on the list if IIV is in use, and if so, accepts the MS location update. Otherwise, the MS location update is rejected. See, column 6, lines 8 to 20.

The claimed invention requires first checking whether the IMEI listed in the database matches that IMEI sent by the mobile subscriber and, only after an affirmative determination, checking whether the IMSI in a record matches the IMEI sent by the mobile subscriber; if the latter determination is negative, at least a signal is produced.

However, in Kortesalmi, no true IMSI check is performed. Thus, Kortesalmi fails to disclose, teach or suggest checking whether there is a mobile subscriber identity corresponding to a mobile subscriber identity transmitted by a mobile station after checking of the existence of a database record (which contains the mobile equipment identity corresponding to the mobile equipment identity transmitted by the mobile station). Thus, Kortesalmi also fails to disclose, teach or suggest producing at least a signal indicating that the mobile equipment identity is possibly a copied one, if the check is failed.

The Office Action has asserted Kortesalmi teaches checking whether there is a record in the database, which contains a mobile equipment identity corresponding to the mobile equipment identity transmitted by the mobile station. The Office Action has further asserted that an inquiry is performed at stage 72, wherein an inquiry is sent to the HLR by using the received IMSI. However, the IMSI used at stage 72 is not the IMEI.

Further, although the Office Action asserted that Kortesalmi's stage 73 involves the MSC/VLR receiving a list of IMEI codes corresponding to the IMSI, stage 73 involves the IMEI as the indicator not the IMSI.

Kortesalmi discloses that "the use of a subscriber identity (IMSI) is restricted to predetermined terminals (IMEI) (abstract), i.e., the IMSI is restricted to one or more IMEIs. However, when the network infrastructure has a user, whose subscriber identity (IMSI) is not

limited to certain subscriber equipment identity/identities (IMEIs), Kortessalmi is unable to find illegal mobile equipment (IMEIs) used by a user (IMSI) without limitation of equipment identities allowed to the user. Rather, according to Figure 7 of Kortessalmi, if IMEI_ whatever and IMSI3 were sent from the mobile subscriber and IIV (IMSI/IMEI verification) were in use, in step 76, the IMEI of the mobile station (=IMEI_ whatever) would be compared with the IMEI from received from the HLR, i.e., access would always be granted.

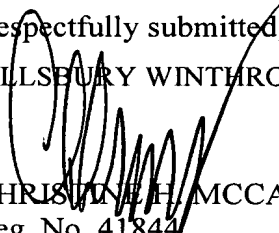
Therefore, Appellant submits that Kortessalmi fails to disclose, teach or suggest the claimed invention. Accordingly, claims 1-9 and 10-11 are allowable.

CONCLUSION

Therefore, it is respectfully requested that the panel return a decision concurring with Appellant's position and eliminating the need to file an appeal brief because there are clear legal and/or factual deficiencies in the appealed rejections. Specifically, the teachings of the cited prior art fail to disclose, teach or suggest all the features recited in the rejected claims. Therefore, a prima facie case of obviousness has not been met for either prior art rejection. Thus, claims 1-8 and 10-11 are patentable.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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